

The Appeals Board has concluded the arguments made in this appeal do not, in the present procedural posture, raise an issue which would be subject to review in the limited review granted the Appeals Board on appeals from preliminary hearings. The

Administrative Law Judge has not ruled on claimant's application. The arguments by respondent do not relate to an issue listed in K.S.A. 44-534a or otherwise allege that the Administrative Law Judge exceeded his jurisdiction. Therefore the Appeals Board does not have jurisdiction and the decision to defer the application remains in effect.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the decision of the Administrative Law Judge refusing to dismiss the request for preliminary hearing benefits and taking issues under advisement pending a settlement conference remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of August, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Ray Hodge, Wichita, Kansas
Boyd A. Byers, Wichita, Kansas
Matthew Bretz, Hutchinson, Kansas
John D. Clark, Administrative Law Judge
David A. Shufelt, Acting Director